



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 668 দিশপুৰ, সোমবাৰ, 10th অক্টোবৰ, 2022, 18 আহিন, 1944 (শক)

No. 668 Dispur, Monday, 10th October, 2022, 18th Asvina, 1944 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

HEALTH & FAMILY WELFARE (A) DEPARTMENT

NOTIFICATION

The 1st October, 2022

No.HLA.632/2018/199.- In pursuance of order dated 18/02/2021 passed by Hon'ble Gauhati High Court in the PIL No.35/2018, the following measures are hereby put in place for **stopping the practice of using chemicals like Calcium Carbide for artificial ripening of fruits**, for compliance of all Designated Officers/ Senior Food Safety Officers and Food Safety Officers under Commissionerate of Food Safety, Assam:

1. Although the provisions of the Food Safety & Standards Act, 2006, and Calcium Carbide Rules, 1987, can be used for the purpose of bringing about some control on the adoption of the illegitimate procedure of ripening of fruits, but it by itself maybe a little short in bringing about a complete control on the availability of calcium carbide in the open market and merely taking out sporadic inspections and raids by Food Safety Officers may not be adequate for bringing an effective and meaningful implementation of the provisions, more particularly Section 38 of the Food Safety & Standards Act, 2006.
2. Much more frequent or, to that extent, a daily entry and inspection of all the fruit stalls should be undertaken. Upon such entry and inspection, if it is noticed or believed that the fruits stored for sale or exposed or exhibited for sale have been ripened by use of calcium carbide, a sample thereof should be taken for analysis.
3. Again, if the entry and inspection results in the detection of the presence of adulterant calcium carbide, further samples thereof should be taken for analysis and subjected to the procedures of law providing for initiating a criminal proceeding under the Food Safety & Standards Act, 2006. In the event, the entry and inspection results in the detection of the presence of the adulterant calcium carbide, the provision of Section 38(6) can be invoked for a seizure of the

adulterant and sample thereof be submitted to the Food Analyst. Reading conjointly with Section 38(7), all such actions taken under Section 38(2), 38(3) and 38(6), should be done by requiring one or more person to be present and by taking his/ her or their signature.

4. The wholesalers, dealers and fruit vendors should be directed to clearly display the names, designations and phone numbers/mobile phone numbers of the concerned Senior Food Safety Officers/ Food Safety Officers under whose jurisdiction the given premises would be located, so that any member of the public can immediately inform the authorities if any case of artificial ripening of fruits is detected.
5. In the event, any doubt creeps into the mind of a purchaser of fruits from the particular vendor that the fruits on display for the sale are ripened by using the illegitimate means of calcium carbide, the purchaser concerned may immediately bring it to the notice of the Senior Food Safety Officer/ Food Safety Officer by giving the details of the fruits concerned and the location and identity of the vendor.
6. The Senior Food Safety Officers/ Food Safety Officers would maintain a register of all such complaints being made including the names, addresses and telephone numbers of the complainants. Upon a complaint being made, the same should be immediately attended to, if possible within the same time, during which the complainant purchaser would remain within the premises of the vendor, and, thereafter, do the needful by invoking the provisions of Section 38 of the FSSA-2006 and other provisions of law.
7. After taking the necessary action under Section 38 of the Food Safety & Standards Act, 2006, the Senior Food Safety Officer/ Food Safety Officer shall inform the outcome of such enquiry to the complainant by giving a written message in the form of SMS or Whatsapp. If the result of the enquiry is not informed to the complainant/purchaser within a reasonable time that may be required for conducting the enquiry, the complainant purchaser may make a complaint against such Senior Food Safety Officer/ Food Safety Officer under the proviso to Section 39 of the Food Safety & Standards Act, 2006.
8. Section 39 of the Food Safety & Standards Act, 2006, inter alia, provides that if any Food Safety Officer in exercise of the powers under the Act or Rules seizes any article or food or adulterant either in a vexatious manner or without any reasonable ground, such officer would be guilty of an offence under the Act and shall be liable to a penalty which may extend to Rs.1 Lac. However, the liability of any Food Safety Officer under Section 39 of the Food Safety & Standards Act, 2006, is only in respect of any seizure of any article of food or adulterant in a vexatious manner or without any reasonable ground, where the seizure of any article of food is governed by Section 38(1)(b) and seizure of any adulterant is governed by Section 38(6) of the Food Safety & Standards Act, 2006. The taking of samples under Section 38(2) is conspicuously not made a liability on the Food

Safety Officer under Section 39 of the FSSA 2006, even if such samples taken ultimately results in no adulterant being found after examination in the appropriate laboratory.

The above directions are put in place for strict compliance by the Food Safety Officers/ Senior Food Safety Officers/ Designated Officers/ Food Analyst etc, for achieving proper monitoring and inspection of the fruit vendors. Designated Officer (HQ) shall submit compiled reports of such inspections carried out by the Food Safety Officers/ Senior Food Safety Officers on monthly basis to the Commissioner of Food Safety, Assam, and Health & Family Welfare Department invariably.

This is issued with the approval of the competent authority.

PRANATI MAJUMDAR,

Joint Secretary to the Government of Assam,
Health & Family Welfare Department.